

Remarks

Claims 1-29 were previously pending in the application. In the present response Claims 13, 15, 16, 22, 24, and 25 have been canceled. Accordingly, after entry of the response Claims 1-12, 14, 17-21, 23, and 24-29 will be pending. Reconsideration is respectfully requested based on the following remarks.

Allowable Subject Matter

Preliminary, Applicants thank the Examiner for indicating that dependent Claims 15, 16, 24, and 25 would be allowable if rewritten independent form and to include all the limitations of the base claim and any intervening claims.

In this regard, as indicated in the amendments above, Claim 1 has been amended to include Claim 15 and any intervening claim, and Claim 9 has been amended to include Claim 24 and any intervening claim.

Double Patenting

Claims 1-29 were provisionally rejected on the ground of nonstatutory obvioness-type double patenting as being unpatentable over Claims 9-43 of co-pending Application No. 11/049677 (U.S. Publication No. 2005/0168426).

The conflicting co-pending U.S. Application No. 11/049,677 and the present application are commonly owned and Applicants have included herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) to overcome an actual or provisional rejection based on a nonstatutory double patenting ground.

Claim Rejections 35 U.S.C. §103

Claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kinoshita et al. (U.S. Patent No. 6,388,651), herein referred to as “Kinoshita”, in view of Kim et al. (U.S. Patent No. 6,229,516), herein referred to as “Kim”.

Claims 13, 14, 17-19, 21-23, 26, 27, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kinoshita in view of Kim as applied to Claims 1-12, 20, and 28 and further in view of Asada et al. (U.S. Patent No. 5,963,287), herein referred to as “Asada”.

Of the above-referenced claims, Claims 1 and 9 are independent. Accordingly, once allowability of these claims is established, all claims depending therefrom are likewise allowable.

The Examiner indicated that dependent Claims 15, 16, 24, and 25 would be allowable if rewritten independent form and to include all the limitations of the base claim and any intervening claims.

In this regard, as indicated in the amendments above, Claim 1 has been amended to include Claim 15 and any intervening claim, and Claim 9 has been amended to include Claim 24 and any intervening claim.

As such, Applicants respectfully submit that Claims 1 and 9, and all claims depending therefrom are allowable.

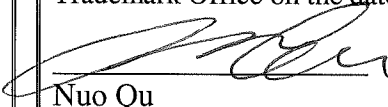
Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-2257. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

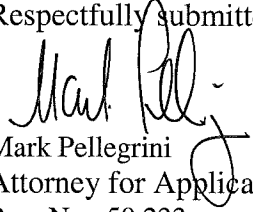
Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.


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March 4, 2009
Date of Signature

Respectfully submitted,


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